
HOUSE BILL No. 1208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-11-1-9; IC 34-6-2-103; IC 36-8-12-11; IC 27-2-21.

Synopsis: Volunteer firefighters and fire departments. Provides that a volunteer fire department is not subject to examination by the state board of accounts after disbursements from appropriations, public funds, taxes, and other sources of public expense. Grants immunity from civil liability to certain persons who donate fire control or fire rescue equipment to a fire department of a political subdivision or to a volunteer fire department. Amends the conditions and manner under which a blue light may be displayed on a vehicle by a member of a volunteer fire department. Prohibits an insurer that issues a personal motor vehicle policy from: (1) including an exclusion in the policy; or (2) interpreting an exclusionary provision of the policy to exclude coverage for a motor vehicle used by a volunteer firefighter to travel to an emergency or to a fire station. Makes conforming amendments.

Effective: Upon passage; July 1, 2002.

Bischoff

January 10, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1208

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-11-1-9, AS AMENDED BY P.L.50-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 9. (a) **This section does not apply to a**
4 **volunteer fire department (as defined in IC 36-8-12-2).**

5 **(b)** The state examiner, personally or through the deputy examiners,
6 field examiners, or private examiners, shall examine all accounts and
7 all financial affairs of every public office and officer, state office, state
8 institution, and entity.

9 **(b) (c)** An examination of an entity deriving:

10 (1) less than fifty percent (50%); or

11 (2) at least fifty percent (50%) but less than one hundred thousand
12 dollars (\$100,000) if the entity is organized as a not-for-profit
13 corporation;

14 of its disbursements during the period of time subject to an
15 examination from appropriations, public funds, taxes, and other sources
16 of public expense shall be limited to matters relevant to the use of the
17 public money received by the entity.



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~~(c)~~ (d) The examination of an entity described in subsection ~~(b)~~ (c) may be waived or deferred by the state examiner if the state examiner determines in writing that all disbursements of public money during the period subject to examination were made for the purposes for which the money was received.

~~(d)~~ (e) On every examination under this section, inquiry shall be made as to the following:

(1) The financial condition and resources of each municipality, office, institution, or entity.

(2) Whether the laws of the state and the uniform compliance guidelines of the state board of accounts established under section 24 of this chapter have been complied with.

(3) The methods and accuracy of the accounts and reports of the person examined.

The examinations shall be made without notice.

~~(e)~~ (f) If during an examination of a state office under this chapter the examiner encounters an inefficiency in the operation of the state office, the examiner may comment on the inefficiency in the examiner's report.

~~(f)~~ (g) The state examiner, deputy examiners, any field examiner, or any private examiner, when engaged in making any examination or when engaged in any official duty devolved upon them by the state examiner, is entitled to do the following:

(1) Enter into any state, county, city, township, or other public office in this state, or any entity, agency, or instrumentality, and examine any books, papers, documents, or electronically stored information for the purpose of making an examination.

(2) Have access, in the presence of the custodian or the custodian's deputy, to the cash drawers and cash in the custody of the officer.

(3) During business hours, examine the public accounts in any depository that has public funds in its custody pursuant to the laws of this state.

~~(g)~~ (h) The state examiner, deputy examiner, or any field examiner, when engaged in making any examination authorized by law, may issue subpoenas for witnesses to appear before the examiner in person or to produce books, papers, or other records (including records stored in electronic data processing systems) for inspection and examination. The state examiner, deputy examiner, and any field examiner may administer oaths and examine witnesses under oath orally or by interrogatories concerning the matters under investigation and examination. Under the authority of the state examiner, the oral



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1 examinations may be transcribed with the reasonable expense paid by
 2 the examined person in the same manner as the compensation of the
 3 field examiner is paid. The subpoenas shall be served by any person
 4 authorized to serve civil process from any court in this state. If a
 5 witness duly subpoenaed refuses to attend, refuses to produce
 6 information required in the subpoena, or attends and refuses to be
 7 sworn or affirmed, or to testify when called upon to do so, the examiner
 8 may apply to the circuit court having jurisdiction of the witness for the
 9 enforcement of attendance and answers to questions as provided by the
 10 law governing the taking of depositions.

11 SECTION 2. IC 34-6-2-103, AS AMENDED BY P.L.95-2001,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 103. (a) "Person", for purposes of IC 34-14,
 14 has the meaning set forth in IC 34-14-1-13.

15 (b) "Person", for purposes of IC 34-19-2, has the meaning set forth
 16 in IC 35-41-1.

17 (c) "Person", for purposes of IC 34-24-4, means:

- 18 (1) an individual;
- 19 (2) a governmental entity;
- 20 (3) a corporation;
- 21 (4) a firm;
- 22 (5) a trust;
- 23 (6) a partnership; or
- 24 (7) an incorporated or unincorporated association that exists
 25 under or is authorized by the laws of this state, another state, or a
 26 foreign country.

27 (d) "Person", for purposes of IC 34-26-2, includes individuals at
 28 least eighteen (18) years of age and emancipated minors.

29 (e) "Person", for purposes of IC 34-26-4, has the meaning set forth
 30 in IC 35-41-1-22.

31 (f) "Person", for purposes of IC 34-30-5, means any of the
 32 following:

- 33 (1) An individual.
- 34 (2) A corporation.
- 35 (3) A partnership.
- 36 (4) An unincorporated association.
- 37 (5) The state (as defined in IC 34-6-2-140).
- 38 (6) A political subdivision (as defined in IC 34-6-2-110).
- 39 (7) Any other entity recognized by law.

40 (g) "Person", for purposes of IC 34-30-6, means an individual, a
 41 corporation, a limited liability company, a partnership, an
 42 unincorporated association, or a governmental entity that:

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(1) has qualifications or experience in:

- (A) storing, transporting, or handling a hazardous substance or compressed gas;
- (B) fighting fires;
- (C) emergency rescue; or
- (D) first aid care; or

(2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(h) "Person", for purposes of IC 34-30-18, includes:

- (1) an individual;
- (2) an incorporated or unincorporated organization or association;
- (3) the state of Indiana;
- (4) a political subdivision (as defined in IC 36-1-2-13);
- (5) an agency of the state or a political subdivision; or
- (6) a group of such persons acting in concert.

(i) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

(j) "Person" for purposes of IC 34-30-10.5, means the following:

- (1) A political subdivision (as defined in IC 36-1-2-13).
- (2) A volunteer fire department (as defined in IC 36-8-12-2).
- (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
- (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.

(5) After March 31, 2002, a corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.

SECTION 3. IC 36-8-12-11, AS AMENDED BY P.L.6-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to the conditions set forth in subsection (b),~~ Members of volunteer fire departments may display blue lights on their privately owned vehicles while en route ~~(1)~~ to scenes of ~~fires or other emergencies~~ **or to the fire station** in the line of duty ~~and~~

~~(2) to a fire station to get firefighting equipment to transport to the scene of a fire or other emergency in the line of duty.~~

~~(b) The lights displayed on a member's privately owned vehicle must satisfy subject to~~ the following conditions:

- (1) A light must have a light source of at least ~~fifty (50) candlepower.~~ **thirty-five (35) watts.**

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(2) All lights must be placed on the:

(A) top of the vehicle;

(B) ~~In addition, lights may be placed dashboard inside a vehicle, shielded to prevent distracting the driver; or~~

(C) ~~on the~~ front of the vehicle upon the bumper or at bumper level.

(3) No more than four (4) blue ~~lights~~ **light assemblies** may be displayed on one (1) vehicle, and each blue light **assembly** must be of the flashing or revolving type. ~~and visible for three hundred sixty (360) degrees, except for lights that are placed on the front of the vehicle.~~

(4) A blue light ~~must consist of a lamp with a blue lens, not of an uncolored lens with a blue bulb.~~ However, a revolving light **assembly** may contain multiple bulbs.

(5) A blue light may not be a part of the regular head lamps displayed on the vehicles. **Alternately flashing head lamps may be used as a supplemental warning device. Strobe lights or flashers may be installed into the light fixtures on the vehicle other than the alternating head lamps. The strobe lights or flashers may be either white or blue, with the exception of red to the rear.**

~~(e)~~ (b) In order for a volunteer firefighter to display a blue light on his a vehicle, ~~he the volunteer firefighter~~ must secure a written permit from the chief of the volunteer fire department to use the blue light and must carry the permit at all times when the blue light is displayed.

~~(d)~~ (c) A person who is not a member of a volunteer fire department may not display a **an illuminated** blue light of any size or shape on a ~~motor~~ vehicle.

~~(e)~~ (d) A permittee of the owner of a vehicle lawfully equipped with a blue light may operate the vehicle only if the blue light is not illuminated.

~~(f)~~ (e) A person who violates subsection (a), (b), (c), or (d) ~~or (e)~~ commits a Class C infraction. If the violator is a member of a volunteer fire department, the chief of the department shall ~~dismiss him from membership in the~~ **discipline the violator under fire department rules and regulations.**

~~(g)~~ (f) This section does not grant a vehicle displaying blue lights the right-of-way under IC 9-21-8-35 or exemption from traffic rules under IC 9-21-1-8. A driver of a vehicle displaying a blue light shall obey all traffic rules.

(g) **This section shall not be construed to include a vehicle displaying a blue light and driven by a member of a volunteer fire**

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department as an authorized emergency vehicle (as defined in IC 9-13-2-6).

SECTION 4. IC 27-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 21. Personal Motor Vehicle Coverage for Volunteer Firefighters

Sec. 1. (a) As used in this chapter, "personal motor vehicle policy" means a policy providing one (1) or more of the kinds of insurance described in IC 27-1-5-1, Class 2(f) and Class 3(d), with respect to a motor vehicle that is:

- (1) owned or leased by an individual; and
- (2) used for personal transportation.

(b) The term does not include a commercial motor vehicle insurance policy or a policy intended to cover a vehicle that is owned by a business firm and used for business purposes.

Sec. 2. As used in this chapter, "volunteer firefighter" has the meaning set forth in IC 36-8-12-2.

Sec. 3. As used in this chapter, "volunteer purposes" refers to the use by a volunteer firefighter of a motor vehicle that is owned or leased by the volunteer firefighter to travel to the scene of an emergency or to a fire station in the line of duty.

Sec. 4. A personal motor vehicle policy that is:

- (1) issued in Indiana; or
- (2) issued for delivery in Indiana;

must not contain a provision excluding coverage for a motor vehicle while the motor vehicle is used by a volunteer firefighter for volunteer purposes.

Sec. 5. An insurer that issues a personal motor vehicle policy:

- (1) in Indiana; or
- (2) for delivery in Indiana;

shall not interpret a "motor vehicle business exclusion", an "other business exclusion", or any other exclusionary provision of the policy in such a way as to exclude coverage for a motor vehicle while the motor vehicle is used by a volunteer firefighter for volunteer purposes.

SECTION 5. An emergency is declared for this act.

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